

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

RHONALD MARTINEZ,

Plaintiff,

v.

FNU MEADOR, et al.,

Defendants.

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Case No. 6:21-cv-316-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff, a prisoner of the Texas Department of Criminal Justice, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 about alleged violations of his constitutional rights in prison. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the case.


On April 7, 2022, the Magistrate Judge screened Plaintiff's second amended complaint and authorized Plaintiff to serve two defendants with process in this case. Docket No. 39. On that same day, the Magistrate Judge submitted a Report and Recommendation that Defendants Pace and Wright be dismissed as defendants to this action pursuant to 28 U.S.C. § 1915A(b), along with Plaintiff's claim for deliberate indifference in connection with hepatitis-C (HCV). Docket No. 40. A copy of this Report was mailed to Plaintiff at the address on record on April 8, 2022. That mailing has not been returned. However, on May 19, 2022, the Court received notice from Plaintiff that his address had changed at the end of April. Docket No. 44. Out of an abundance of caution, the Court mailed a copy of the pending Report to Plaintiff's new address on May 20, 2022. Plaintiff did not file written objections.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 40) as the findings of this Court. It is therefore **ORDERED** that Defendants Pace and Wright and any claims concerning Plaintiff's HCV are dismissed from this suit for failure to state a claim pursuant to 28 U.S.C. § 1915A(b).

So **ORDERED** and **SIGNED** this **5th** day of **July, 2022**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE